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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,695

09/23/2003

Brian Gerard Goodman

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03/08/2005

IBM Corporation
Intellectual Property Law
8987 E. Tanque Verde Rd. #309-374
Tucson, AZ 85749-9610

EXAMINER

HABERMEHL, JAMES LEE

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,695

Applicant(s)

GOODMAN ET AL.

Examiner

James L Habermehl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-9,12,14-17,20,22-24,27,29 and 30 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,10,11,13,18,19,21,25,26 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 23 Sep 03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This Office action is in response to application filed 23 September 2003, which papers have been placed of record in the file.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5, 7-9, 12, 14-17, 20, 22-24, 27, and 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohashi. Ohashi Figures 1, 19, and 26 meet all the limitations of claims 1, 8, and 16, including Figures 1 and 26 showing storage shelves, storage drives, accessors having sensors, and a home position. Ohashi also shows at least one reference point at an expected location remote from the home position (S201), at least one processor with a calibration system conducting a rezero operation (17), moves the accessor to the expected location of a reference point (S202), and if the reference point is sensed by the accessor at substantially the expected location, said rezero operation is completed (S208).

Regarding claims 2, 9, and 17, if the comparison indicates an offset between the sensed and expected locations, updates the calibration system reference point (S214).

Regarding claims 5, 12, and 20, Figures 1 and 26 shows storage shelves, storage drives, accessors having sensors, and a home position, as well as a unique reference at a unique location (130), a processor (17), moving the accessor toward the unique location of the unique location and/or home position (col. 16, lines 42-46), and if the unique reference is sensed by the accessor,

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determine the unique location (col. 16, lines 47-50) and complete the rezero operation (Figure 19).

Regarding claims 7, 14-15, and 22, once the unique location is found as shown above regarding claim 5, the operation may proceed to rezero using a reference point according to Figure 19 as shown above regarding claim 1, where col. 16, lines 50-53 show using the determined unique location to move the accessor to the expected location of the reference point.

Regarding claims 23-24, 27, and 29-30, the limitations of these claims correspond to the apparatus and method claim limitations of the claims rejected above except for including the further limitation of using a computer program product with computer readable program code used by a programmable computer processor. However the accessor controller 17 must inherently include such product with such code in order to function, thus these further limitations are met for the same reasons as given above regarding the apparatus and method claims.

4. Claims 3-4, 6, 10-11, 13, 18-19, 21, 25-26, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

Claims 3-4, 10-11, 18-19, and 25-26 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a system and method for determining positioning in an automated data storage library, an automated storage library, and a computer program product useable therewith, comprising if said comparison indicates an offset, it moves the accessor to a second expected location of a second reference

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point, as presented in the environment of claim 3-4, 10-11, 18-19, and 25-26. It is noted that the closest prior art, Ohashi, shows a system and method similar to the claimed invention. However, Ohashi. fails to disclose if said comparison indicates an offset, it moves the accessor to a second expected location of a second reference point as claimed.

Claims 6, 13, 21, and 28 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a system and method for determining positioning in an automated data storage library, an automated data storage library, and a computer program product useable therewith, comprising if said unique reference is found, moves said accessor to said home position, as presented in the environment of claims 6, 13, 21, and 28. It is noted that the closest prior art, Ohashi, shows a system and method similar to the claimed invention. However, Ohashi. fails to disclose if said unique reference is found, moves said accessor to said home position as claimed.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Utsumi et al. ('751) Figures 59-86, Kanetsuku et al. Figures 20-30, Katsuyama et al. Figures 48-72, and Abbott et al. Figures 2-4 are similar to applicant's invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James L Habermehl whose telephone number is (703)305-6975. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703)308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Habermehl/jlh
4 Mar 05



DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600